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PATENT

Attorney Docket No. 09812.0590-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Taizo SHIRAI et al.)
) Group Art Unit: 2137
Application No.: 09/982,711)
) Examiner: Nadia Khoshnoodi
Filed: October 18, 2001)
) Confirmation Number: 8666
For: INFORMATION RECORDING DEVICE,)
INFORMATION PLAYBACK DEVICE,)
INFORMATION RECORDING MEDIUM,)
INFORMATION RECORDING METHOD,)
INFORMATION PLAYBACK METHOD,)
AND PROVIDING MEDIUM)

Attention: Mail Stop Appeal Brief-Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Pursuant to 37 C.F.R. § 41.41, Appellants present this Reply to the

Examiner's Answer mailed April 18, 2007.

REMARKS

I. Status of Claims

In response to the Appeal Brief filed on September 26, 2006 and the Response to Notification of Non-Compliant Appeal Brief filed on December 20, 2006, the Examiner has maintained the rejection of claims 1, 5, 8, 12, 15-17, 21, 24, 28, 31, and 32 under 35 U.S.C. § 103(a) as being unpatentable over *Hazard* (U.S. Patent Application No. 6,658,566) in view of *Sudia* (U.S. Patent Application Publication No. 2005/0114666); and claims 6, 13, 22, and 29 as being unpatentable over *Hazard* in view of *Sudia* and further in view of *Dilkie et al.* (U.S. Patent No. 6,341,164).

II. Response to Examiner's Arguments in the Answer

Appellants respectfully traverse the Examiner's rejection of claims 1, 5, 6, 8, 12, 13, 15-17, 21, 22, 24, 28, 29, 31, and 32 under 35 U.S.C. § 103(a). Appellants maintain that a *prima facie* case of obviousness has not been established for reasons of record and for the additional reasons set forth below.

In the Examiner's Answer, the Examiner asserts that several of the claim recitations have been giving their "broadest reasonable interpretation in accordance with MPEP 2111." (*Examiner's Answer*, pp. 15 and 17.) Appellants respectfully contend that the Examiner's interpretations are unreasonable. Indeed, M.P.E.P. § 2111 indicates "pending claims must be given their broadest reasonable interpretation consistent with the specification." While the Examiner may not be required "to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit," the Examiner is required to apply "to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be

understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification." (*Id.*) Accordingly, the broadest reasonable interpretation of the claim terms must be consistent with the interpretation of the term that those skilled in the art would reach. (*See Id.*)

In rejecting the claims, "the Examiner has interpreted the term ["sector"] to mean a portion of a larger storage block." (*Examiner's Answer*, p. 15.) Further, the Examiner interprets the term "sector" to be equivalent to the "sensitive information" disclosed by *Hazard*. (*Id.*) The Examiner's interpretation of the term "sector" are inconsistent with the interpretation of the term "sector" as is known in the art and in the context of Applicant's specification. A "sector" has known meaning in the field of data storage and file management. For example, a "sector" refers to an allocated area of a storage medium that is used by file management systems, such as a file allocation table (FAT), to store and retrieve data. (*Specification*, 2:23 - 3:6.) On the contrary, the "sensitive information" of *Hazard* is the equivalent of a file. (*Hazard*, 1:35-38.) Accordingly, *Hazard* discloses encryption and decryption at a file level and not in accordance with a "sector." (*Id.* at 2:2-27.)

Moreover, even if one were to rely on the Examiner's interpretation of the term "sector," *Hazard* still fails to teach or suggest the claimed invention. Specifically, independent claims 1, 8, 17, 24, 31, and 32 recite, "a different encryption key is used for each sector." On the contrary, *Hazard* specifically teaches that the same encryption key may be used for each "sensitive information." (*Id.* at 5:22-24.) The Examiner's citation to column 4 lines 32-38 of *Hazard* is irrelevant. (*See, Examiner's Answer*, pp. 14-15.)

The cited passage merely discloses that the temporary encryption key used to encrypt the sensitive information may be identical to, or different from, the temporary encryption key used to decrypt the sensitive information.

For the alleged disclosure of the claimed “block permission table for accessing a permission that describes memory access control information,” the Examiner cites to paragraph 0237 of *Sudia*. (*Id.* at p. 18.) Paragraph 0237 discloses a table or list of “authorizations, accreditations, restrictions, contractual terms and conditions, references to external variables, filters containing some combination of the foregoing, and so on.” Nowhere in the citation passage, or anywhere else in *Sudia*, is there a teaching or suggestion of a “block permission table for accessing a permission that describes memory access control information,” as recited in independent claims 1, 8, 15, 17, 24, 31, and 32.

For the alleged disclosure of the claimed “checking the integrity of the revocation list and the block permission table,” the Examiner now also cites to paragraphs 0239 and 0240 of *Sudia*. However the cited paragraphs are directed towards verifying that a user “possesses the authorization conferred by a given string.” (*Sudia*, ¶ 0239.) *Sudia* does not disclose checking “the integrity of the revocation list and the block permission table,” as recited in independent claims 1, 8, 15, 17, 24, 31, and 32.

For at least the above reasons, the combination of *Hazard* and *Sudia* fails to establish a *prima facie* case of obviousness with respect to independent claims 1, 8, 15, 17, 24, 31, and 32. Appellants thereby respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) be reversed by the Board.

Regarding the remaining rejections, Appellants maintain their positions of record, as presented in the prosecution history, particularly in the Appeal Brief filed on September 26, 2006.

III. Conclusion


For the reasons set forth above, supplementing those presented in the Appeal Brief filed on September 26, 2006, pending claims 1, 5, 6, 8, 12, 13, 15-17, 21, 22, 24, 28, 29, 31, and 32 are allowable. Appellants respectfully request that the Board reverse the Examiner's rejections.

If there are any fees due that are not enclosed herewith, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: June 15, 2007

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